

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE
WAIMAKARIRI DISTRICT COUNCIL**

IN THE MATTER OF

The Resource Management Act 1991 (**RMA** or
the Act)

AND

IN THE MATTER OF

Hearing of Submissions and Further
Submissions on the Proposed Waimakariri
District Plan (**PWDP** or **the Proposed Plan**)

AND

IN THE MATTER OF

Hearing of Submissions and Further
Submissions on Variations 1 and 2 to the
Proposed Waimakariri District Plan

AND

IN THE MATTER OF

Submissions and Further Submissions on the
Proposed Waimakariri District Plan by **Mark
and Melissa Prosser**

**SUPPLEMENTARY EVIDENCE OF FRASER ALLAN MILLER
IN RESPONSE TO OFFICER REPORT
ON BEHALF OF MARK AND MELISSA PROSSER
REGARDING HEARING STREAM 12C**

DATED: 8 July 2024

Presented for filing by:
Chris Fowler
Saunders & Co
PO Box 18, Christchurch
T 021 311 784
chris.fowler@saunders.co.nz

INTRODUCTION

- 1 My full name is Fraser Allan Miller.
- 2 I have prepared a statement of evidence regarding Hearing Stream 12C in support of Mark and Melissa Prosser's submission on the Proposed Waimakariri District Plan (**PWDP**) to rezone approximately 73 ha at Mandeville from Rural Lifestyle Zone (**RLZ**) to Large Lot Residential Zone (**LLRZ**).
- 3 My qualifications and experience are set out in that statement. I confirm that this supplementary statement of evidence is also prepared in accordance with the Environment Court's Code of Conduct.
- 4 On 23 May 2024 the Waimakariri District Council (**Council**) released an Officer Report for Hearing Stream 12C prepared under section 42A of the RMA containing an analysis of submissions seeking Large Lot Residential Zone and recommendations in response to those submissions (**Officer Report**). The Officer Report recommends that the Prosser rezoning submission be rejected.
- 5 On 27 June 2024 the Council released the s42A Officer's Preliminary Response to written questions from the Hearings Panel on the Officer Report (**Response Document**).
- 6 My Supplementary evidence is filed in response to the Office Report and the Response Document.

SCOPE OF SUPPLEMENTARY EVIDENCE

- 7 In my supplementary evidence I address the following matters:
 - (a) Those parts of the Officer Report and Response Document that address matters within scope of my expertise (landscape and visual matters), with particular emphasis on matters where there is a difference of view between myself and the Officer Report.
 - (b) A response to Urban Design matters where they are interrelated with landscape issues.
 - 8 In preparing my supplementary evidence I have:
 - (a) Reviewed the Officer Report by Mr. Mark Buckley and the Appendices to that Report relevant to landscape and visual amenity
- Supplementary evidence of Fraser Miller in response to Officer Report on behalf of Mark and Melissa Prosser dated 8 July 2024

matters, in particular, Appendix I - Landscape Assessment which includes a Memorandum (**Landscape Memo**) recording responses by Mr. Jon Read (Greenspace and Communities Facilities Planner) acting as Councils Landscape Architect, in relation to queries from Mr. Mark Buckley (Principal Policy Planner) relating to landscape matters;

- (b) Reviewed the parts of the Response Document relevant to my area of expertise;
- (c) Reviewed my evidence in chief filed earlier on behalf of the Submitters;
- (d) Reviewed other materials specifically mentioned in my supplementary evidence discussed below.
- (e) Reviewed the urban design matters raised in the Officer Report with Mr. Vikramjit Singh including an appropriate response to these.

CONTEXT AND APPROACH

- 9 As mentioned, the Officer Report recommends decline of the Prosser rezoning submission. A range of reasons are given for this recommendation, some of which relate to landscape and visual and urban design matters.
- 10 The approach I have adopted in this supplementary statement of evidence is to identify those parts of the Officer Report (including Appendices attached to that Report) and Response Document, where I disagree with the Officer Report and to explain my reasons for disagreement.

RESPONSE TO OFFICER REPORT

- 11 Under the heading 'Landscape', at paragraph 148, the Officers Report states that the Landscape and Visual Evidence (prepared by me) as part of the rezoning submission, has been assessed by Councils Landscape Architect, Mr. Jon Read (Greenspace and Communities Facilities Planner), and that overall, Council is relatively supportive of my evidence, but raised the following six points:

- The use of shelterbelts is inappropriate as a boundary feature for residential areas.
- The 5m riparian setbacks are insufficient.
- The choice of some tree species is inappropriate.

- A public park should be provided.
- The assessment of residential linkages for Mandeville is unrealistic.
- The assessment of effects on rural property land to the northeast and north of the proposed Site.

12 My supplementary evidence refers to specific paragraphs in the Landscape Memo, and provides a response in relation to each of the six points above as set out below:

The use of shelterbelts is inappropriate as a boundary feature for residential areas.

13 Under heading 4, the Landscape Memo is unresponsive of the dense existing *Leyland cypress* shelterbelt along the length of the Dawsons Road frontage.

14 While I agree with this part of the Officer Report, Council has overlooked that the existing shelterbelt on Dawsons Road will be removed to make way for a proposed 10m wide native landscape strip along the Dawsons Road boundary. While my evidence does not specifically state that the shelterbelt will be removed, it does not state the shelterbelt will be retained either.

15 The 10m wide native planting strip along Dawsons Road is described in my evidence (paragraphs 96 & 97) which refer to illustrations in the ODP – Landscape Boundary Treatments (sheet 22) in the Graphic Attachment accompanying my evidence.

The 5m riparian setbacks are insufficient.

16 Under heading 5, the Landscape Memo recommends a 10m width riparian planting, rather than the 5m width proposed in the ODP, to provide enhanced buffering and biodiversity, along the farm ditch and channelised waterway immediately adjacent to the eastern boundary of the Site.

17 I agree with this part of the Officer Report and note that Roland Payne (Ecologist for the submission) is also supportive of a 10m wide riparian setback for ecological reasons.

18 It is my understanding that the additional 5m riparian planting width will be covenanted on the private lots adjoining the eastern stream boundary, rather than vesting the planting strip with the Council. The ODP has been updated to reflect the overall 10m riparian planting width.

The choice of some tree species is inappropriate.

- 19 Under heading 6, the Landscape Memo states that the trees and shrubs are generally standard, hardy and appropriate species, except for manuka (*Leptospermum scoparium*), which should be substituted for kanuka (*Kunzea ericoides*), which is a more site sensitive and hardier tree species.
- 20 While the Officer Report refers to 'some' tree species being inappropriate, which alludes to more than one tree species being inappropriate, the Landscape Memo only identifies one tree species (manuka) it considers to be inappropriate.
- 21 I agree with this part of the Landscape Memo, and I am comfortable with the substitution of manuka for kanuka in the proposed native planting strips along road frontages.

A public park should be provided.

- 22 Under the heading 'Important Additional Comments' (paragraph 1), the Landscape Memo states that given the scale of the proposed ODP, a neighbourhood park should be provided for public recreation and social gathering space for residents. The Memo suggests this should be 0.5 hectares in size and located adjacent to Dawsons Road and incorporated into a green linkage.
- 23 I disagree with this part of the Officer Report because my understanding is that this requirement is intended for residential development within the Waimakariri District and not LLRZ development.
- 24 The WDC Neighbourhood Reserves Management Plan (dated Feb 2015) refers to neighbourhood parks typically being between 1000m², and 2 hectares and located near residential areas. It does not state that neighbourhood parks should also be provided for LLRZ areas, nor does it specifically state that such a park should be a minimum of 0.5 hectares.
- 25 There are currently no neighbourhood parks in Mandeville, which includes LLRZ areas such as the nearby Millfield development.
- 26 In addition to the above, it is not clear whether the author of the Landscape Memo is aware the ODP includes two Stormwater Management Area (SMA) reserves, of which one of these includes a pedestrian walkway providing public recreation and social activity within the ODP site.

27 For these reasons I consider that a neighbourhood park is not required within the site.

The assessment of pedestrian linkages for Mandeville is unrealistic

28 Under the heading 'Important Additional Comments' (paragraph 2), the Landscape Memo recommends an additional green pedestrian linkage within the northwest corner of the ODP to break up built-form density and provide a cycle-link connection to an unformed (grass) linkage (partly vested with WDC) between Dawsons Road and Wards Road.

29 I disagree with this part of the Officer Report. While I also advocate for better connectivity within built environments, based on advice from Mr. Dave Smith (Traffic Engineer for the Submitters), my understanding is that it would not be prudent to provide cycle linkage across Dawsons Road given the current speed environment and risk to cyclist/ pedestrian safety.

30 Nevertheless, the ODP does not preclude a future linkage, by extending the proposed footpath on the eastern side of Dawsons Road (shown on the ODP) up to a future cycle linkage crossing on Dawsons Road when the current traffic speed has been addressed and pedestrian safety is not at risk.

31 In addition, I note the future pedestrian connection and integration to the Millfield Development walkways as shown in the ODP.

32 Given the low density of the proposed development, the creation of an additional green pedestrian linkage in the northwest corner of the ODP will not have any effect on the foreseeable urban form, such as breaking up built-form density as suggested in the Memo.

33 Overall, it is considered that providing greater separation between built-form density is not an issue with the proposed ODP.

The assessment of effects on rural property land to the northeast and north of the proposed Site

34 At paragraph 145, the Officer Report comment is made in relation to the ODP satisfactorily integrating with the land and the activity it supports to the south and west but seeks assurance of the same for the land to the north and east of the Site.

- 35 In response to this I point out the rural land to the north and northeast is generally characterised by rural farmland with few rural dwellings generally well-dispersed and setback from the Site.
- 36 In my experience I consider the 20m wide building setback along Ashworths Road, and the extension of the native planting strip along Ashworths Road to 10m will provide sufficient integration between the proposed LRRZ and rural activities to the north. Coupled with this, the introduction of a 5m wide riparian planting strip along the eastern stream boundary (which is to be widened to 10m as described previously) will provide appropriate buffering and integration between the ODP and the immediately adjoining rural properties to the east.

Changes to the ODP

- 37 The following changes have been made to the ODP included in my statement of evidence filed on 5 March 2024:
- (a) The 5m wide riparian planting has been widened to 10m adjacent to the stream on the northern boundary with Ashworths Road.
 - (b) The 5m wide riparian planting has been widened to 10m adjacent to the channelised waterway on the eastern boundary with neighbouring farmland.
 - (c) The 5m wide native planting has been widened to 10m within the stormwater management area adjacent to the San Dona development to the south.
 - (d) Ashworths Road will be sealed between its intersection with Dawsons Road, and the indicative access point shown on the road. The sealed road also extends approximately 60m east past the indicative access point.
 - (e) The footpath on Dawson Road has been extended to Wards Road to the south, rather than terminating at the pedestrian crossing aligned with the pedestrian linkage to Warwick Road.
- 38 The changes made to the ODP require an update to sheet 21, 22 and 24 of the Graphic Attachment to my evidence. Attached to this supplementary evidence Supplementary evidence of Fraser Miller in response to Officer Report on behalf of Mark and Melissa Prosser dated 8 July 2024

at **Appendix A** is my updated Graphic Attachment for Mark and Melissa Prosser that incorporates the changes outlined above.

S42A REPORT WRITERS' RESPONSE TO WRITTEN QUESTIONS FROM THE PANEL

39 I have read the S42A report writer's preliminary response to the panel's written questions (Response Document).

40 At page 5 the Response Document states:

With Respect to the NPS-UD definition of "urban environment" and the interpretation of "urban in character", I do not consider that LLRZ is predominantly urban in character. With properties having an average density of 5,000m², no curb and channelling, street lights, businesses, and community services, which I consider form part of the character of an urban environment and are generally absent from LLRZ areas in the district...

41 I disagree with the statement in so far as it relates to Mandeville, for the reasons discussed below.

Urban Character of Mandeville

42 In this section I assess whether Mandeville is 'predominantly urban in character' and therefore, considered part of the urban environment as defined by the National Policy Statement on Urban Development 2020 (NPS-UD), which states:

The urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (a) is, or is intended to be, predominantly urban in character; and*
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000.*

43 In undertaking this assessment, I have sought guidance from the Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines. Within the guidelines is a description of how urban landscapes fit within the wider landscape and a list of typical factors that contribute to urban landscape character:

4.46 *'Urban landscapes' are a type of landscape which fall within the same conceptual framework as all other landscapes. While 'landscape' is often associated with countryside, towns and cities are just as much a landscape type. 'Townscape' is an alternative term for 'urban landscape'. For the avoidance of doubt, 'urban landscapes' do not just mean the natural or green parts of cities. Urban landscapes comprise the physical urban environment (its topography, streets, buildings, open spaces, and their related processes and activities), how people perceive it (its legibility, memorability, aesthetics), and what it means (its identity, history, sense of place).*

The following list illustrates typical factors (amongst many others) that contribute to urban landscape character:

- *context or setting of the urban area and its relationship to the wider landscape topography and response of urban form to topography*
- *contribution of natural features such as coastlines, rivers, watercourses, maunga, hills, headlands, harbours*
- *grain of the built form and its relationship to historic patterns*
- *layout and scale of built form, density of development and building types, including architectural characteristics, period, and materials*
- *patterns of activities (land use) past and present*
- *nature and location of vegetation, including the different types of green space and tree cover and their relationships to buildings and streets and topography*
- *types of open space and character and qualities of the public realm (public domain)*
- *access and connectivity, including streets (street networks and patterns, pedestrian circulation)*

- *places and values of significance to tāngata whenua, such as whakapapa, kōrero tuku iho, mana, and the observable mauri of a place*
- *sense of place including historical associations, identity.*

44 While this list is relatively extensive, in my opinion it is useful in that it comprehensively lists those elements that contribute to an urban environment/landscape. I have assessed Mandeville against the list of elements, and consider it to be 'predominantly urban in character' for the following reasons:

Context and location

45 Mandeville is located within the flat and expansive Canterbury Plains in proximity to the settlement of Ohoka and larger urban areas of Rangiora and Kaiapoi on the northern side of the Waimakariri River.

Built Form Character and Patterns

46 The main roading network comprises four long linear roads (Wards, Bradleys, McHughs and Mandeville Roads), which radiate out from a central area on Tram Road.

47 The Mandeville village centre is near the central area where the roads merge. The centric roading pattern has given rise to centric wedge-shaped patterns of development with alternating Large Lot Residential Zone (LLRZ) and Rural Lifestyle Zone (RLZ) under the Proposed District Plan.

48 The more intensive LLRZ development tends to be more urban in character than rural, given the presence of highly managed and modified landscaping, large domestic gardens, sealed driveways ornate entrances and solid timber fencing to some road boundaries.

49 While the San Dona development in Mandeville, possesses larger lots with dwellings spaced further apart and nestled within orchard plantings, the development has noticeably changed the traditional linear road network to a curvilinear roading pattern, which is akin with contemporary residential roading patterns.

- 50 The Mandeville settlement has fundamentally been demarcated by the centric roading network, density and size of the allotments and the presence of traditional and modern roading patterns. Typical urban elements within the Mandeville roading patterns include street name signage, letterboxes and some kerb and channel.
- 51 The Mandeville settlement generally includes a finer grain of vegetation pattern associated with its rural lifestyle developments. This includes mature and establishing trees, roadside hedgerows (of differing heights), small-scale orchards, fields, and large domestic gardens.
- 52 Mandeville Village has introduced commercial activities into the area, servicing both the local community and commuters passing through Mandeville. These include a self-service petrol station, supermarket, restaurant/ bar and takeaway food outlets and other retail activities. This retail development and activity has transitioned Mandeville North into an urban destination for locals and people passing through the area. Urban elements present in the village centre include; large buildings, carparking, EV charging units, commercial signage, light poles, extensive hardstand surfacing, line marking, and commercial style landscaping.
- 53 The Mandeville Sports Centre, located approximately 650m south of the village centre, hosts several sports and is well-known as a cricket ground. It has been developed with club rooms, a bar and bistro, tennis courts, squash courts, playground, and carparking. Some of these facilities are typically only found in urban environments. Like Mandeville Village, the sports centre contributes to Mandeville's urban identity.

Boundaries and Edges

- 54 Along the neighbourhood roads within the settlement patterns, the boundary/ edge treatment tends to include smaller shelterbelts, hedgerows of varying height, specimen trees, rural style fencing, such as post and rail and low-key entrance features such as stone pillars and gates. The roads have unformed edges and wide grass berms.

Landcover

- 55 The outer lying areas of Mandeville, include larger blocks of land used mostly for open pasture with some cropping and timber plantation. The vegetation patterns are at a much grander scale. This includes mature trees and large shelterbelts framing and enclosing views of the open pastoral and cropping areas. The bold vegetation patterns on the periphery of the farm blocks compartmentalises the landscape. Occasional riparian planting can be found on the margins of waterways and ditches; however, this landscape is largely absent of indigenous vegetation.
- 56 In conclusion, the urban character of Mandeville is evident in the development of subdivisions, the establishment of retail and sports facilities, and the growing population that has resulted in increased scale of the settlement and access to facilities and amenities. In my view Mandeville is 'predominantly urban in character' for the reasons discussed above.

CONCLUSION

- 57 Overall, the Officer Report indicates that Council generally supports the evidence relating to landscape and urban design matters regarding Hearing Stream 12C in support of Mark and Melissa Prosser's submission on the PWDP to rezone the Site from RLZ to LLRZ.
- 58 The Officer's Report raised several points in relation to landscape and urban design matters. These are relatively minor, and they have each been addressed above.
- 59 Thank you for the opportunity to present my evidence and I am happy to answer any questions.

Fraser Miller
8 July 2024



Ohoka Farm Holdings Ltd - Mandeville Rezoning Proposal

Graphic Attachment to Statement of Evidence of Fraser Miller (Landscape) and Vikramjit Singh (Urban Design)

08 July 2024

Document Information

Project
Mandeville Rezoning Proposal
Address
Corner of Dawsons & Ashworths Roads in Mandeville
Client
Ohoka Farm Holdings Ltd
Document
Graphic Attachment to Fraser Miller + Vikramjit Singh's Separate Evidence For Landscape + Urban Design
Status
Final Draft
Revision
2 For Resource Consent 08.07.2024
Prepared By
Rough Milne Mitchell Landscape Architects Ltd
Project Number: 23201
Authors: Fraser Miller + Vikramjit Singh
Peer Reviewed: Nikki Smetham

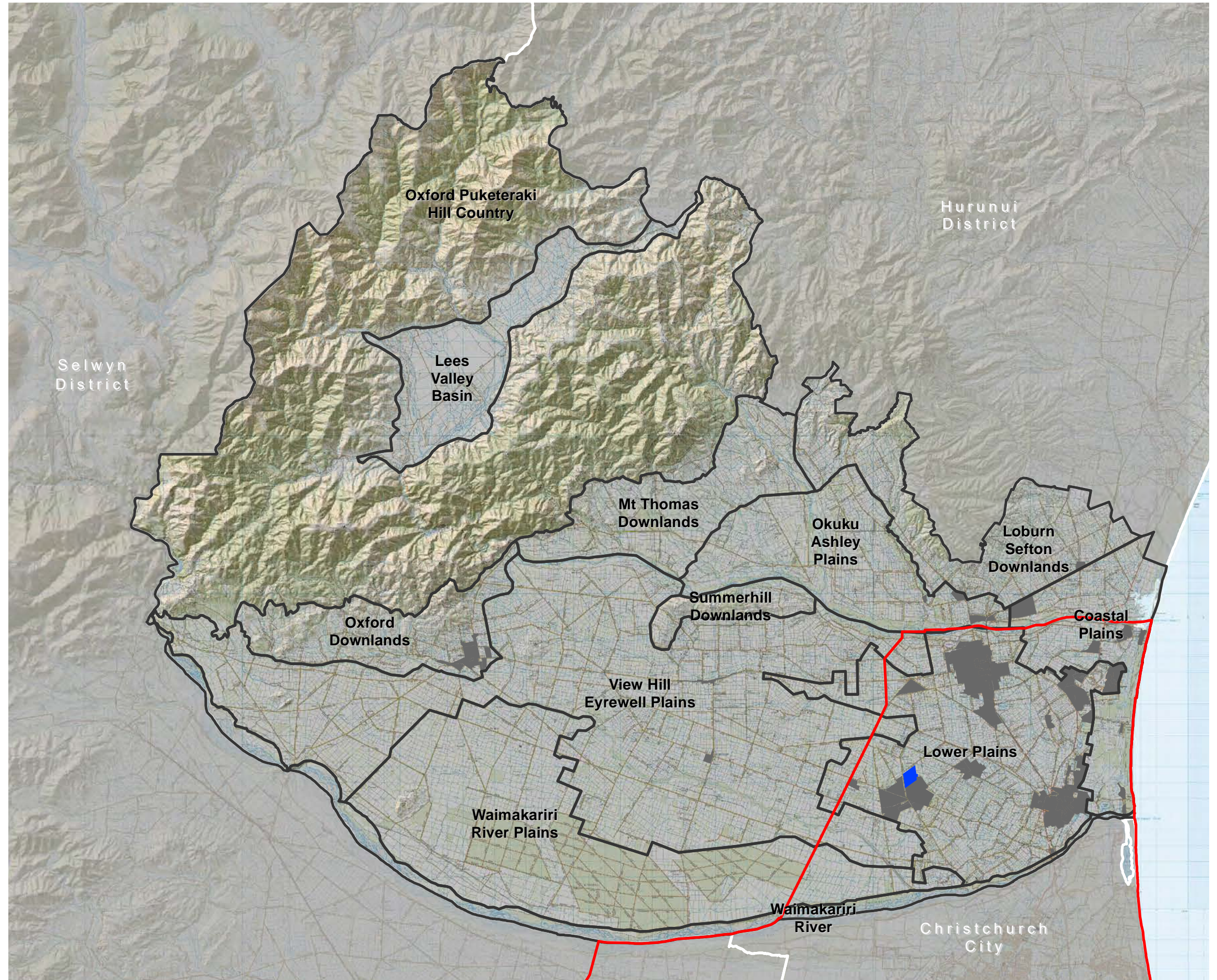
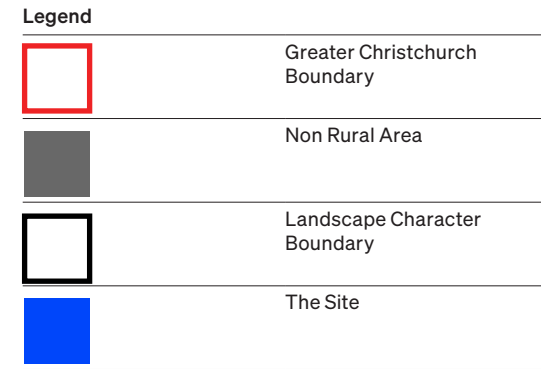
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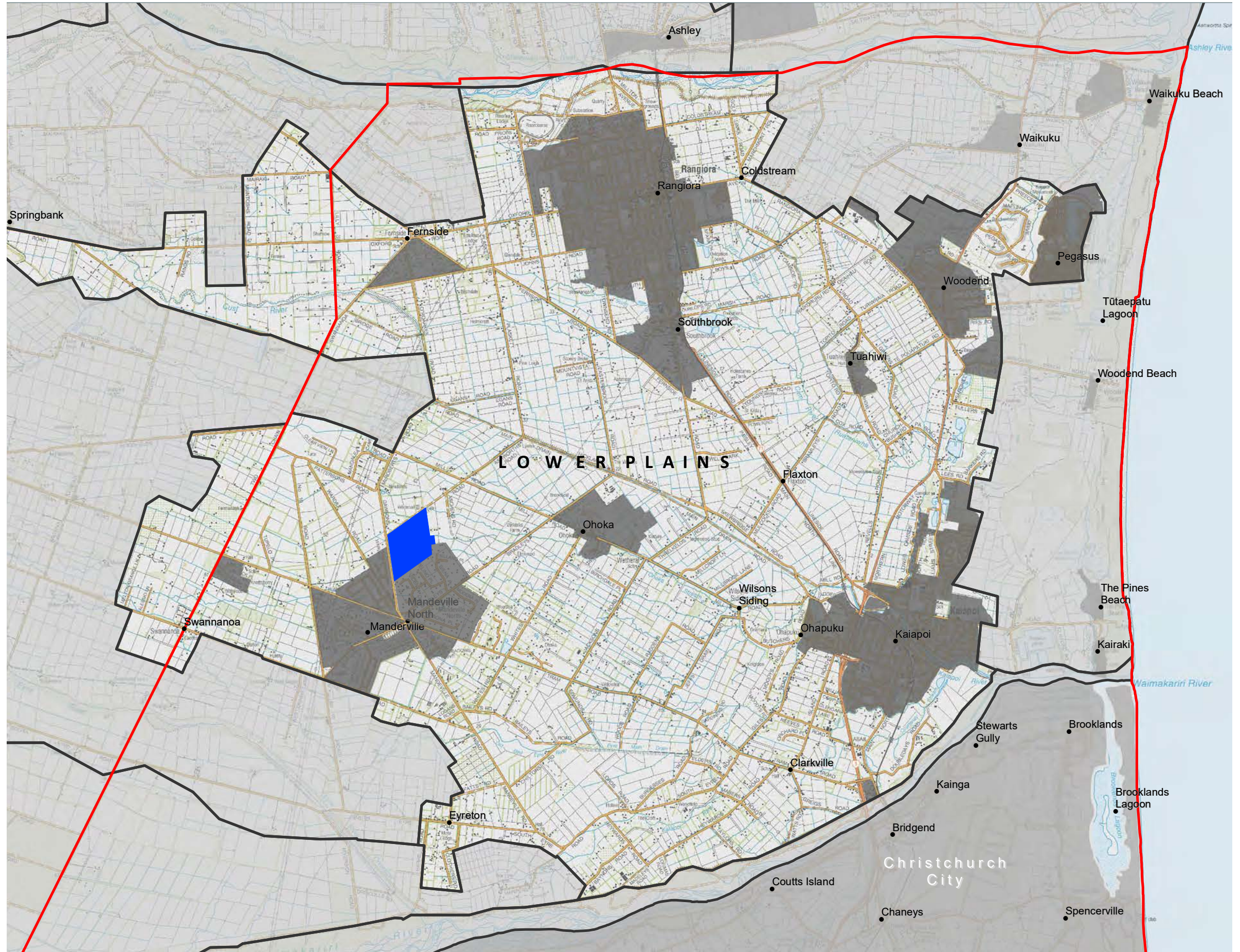
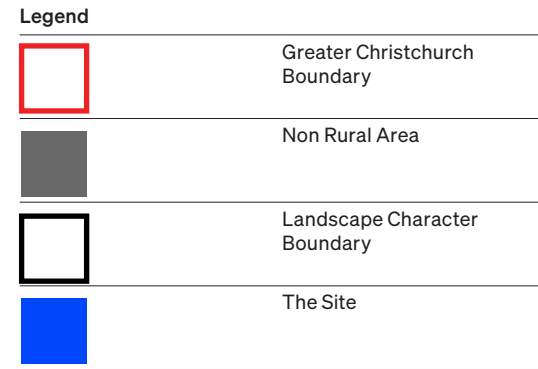
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Rural Character Areas



Scale: Not to Scale
 Data Source: Waimakariri District – Rural Character Assessment prepared by Boffa Miskell (6 June 2018)

Lower Plains Character Areas

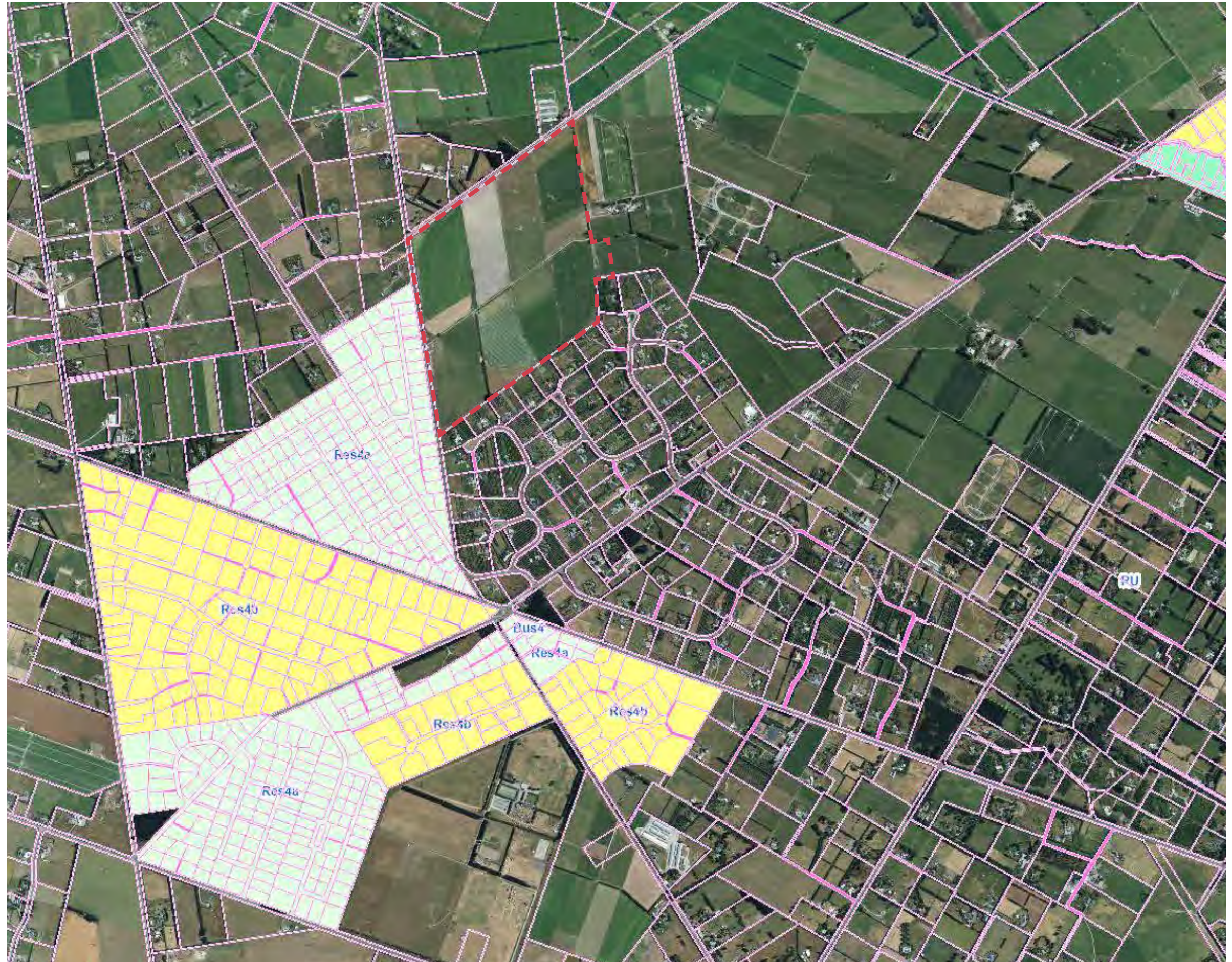



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 Data Source: Waimakariri District – Rural Character Assessment prepared by Boffa Miskell (6 June 2018)

Operative Waimakariri District Plan

Legend








-  The Site
-  Business 4
-  Residential 4A
-  Residential 4B
-  RU

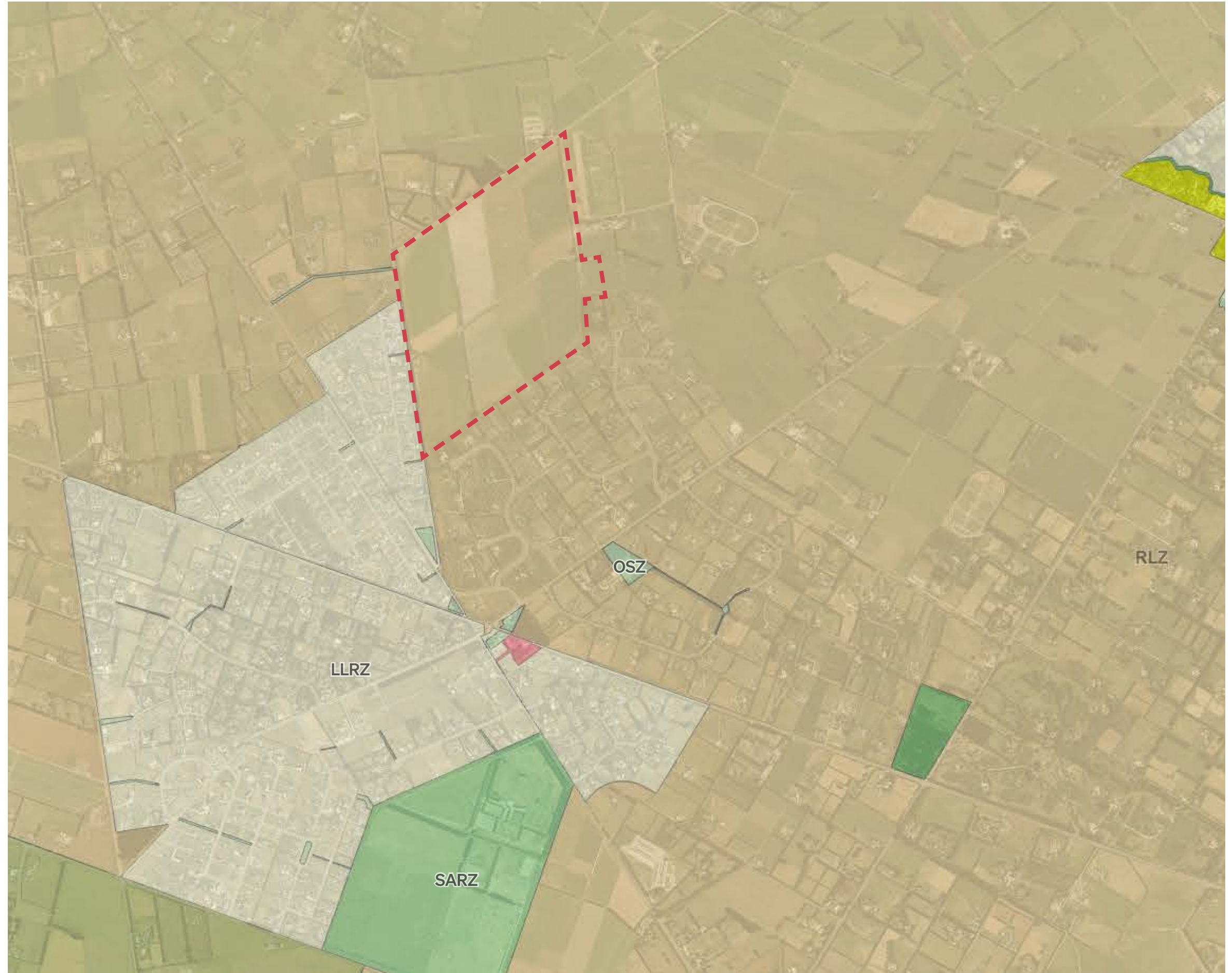



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Data Source: Waimakariri District - Operative District Plan

Proposed Waimakariri District Plan

Legend








-  The Site
-  Local Centre Zone (LCZ)
-  General Residential Zone (GRZ)
-  Large Lot Residential Zone (LLRZ)
-  Rural Lifestyle Zone (RLZ)
-  Open Space Zone (OSZ)
-  Sport and Active Recreation Zone (SARZ)

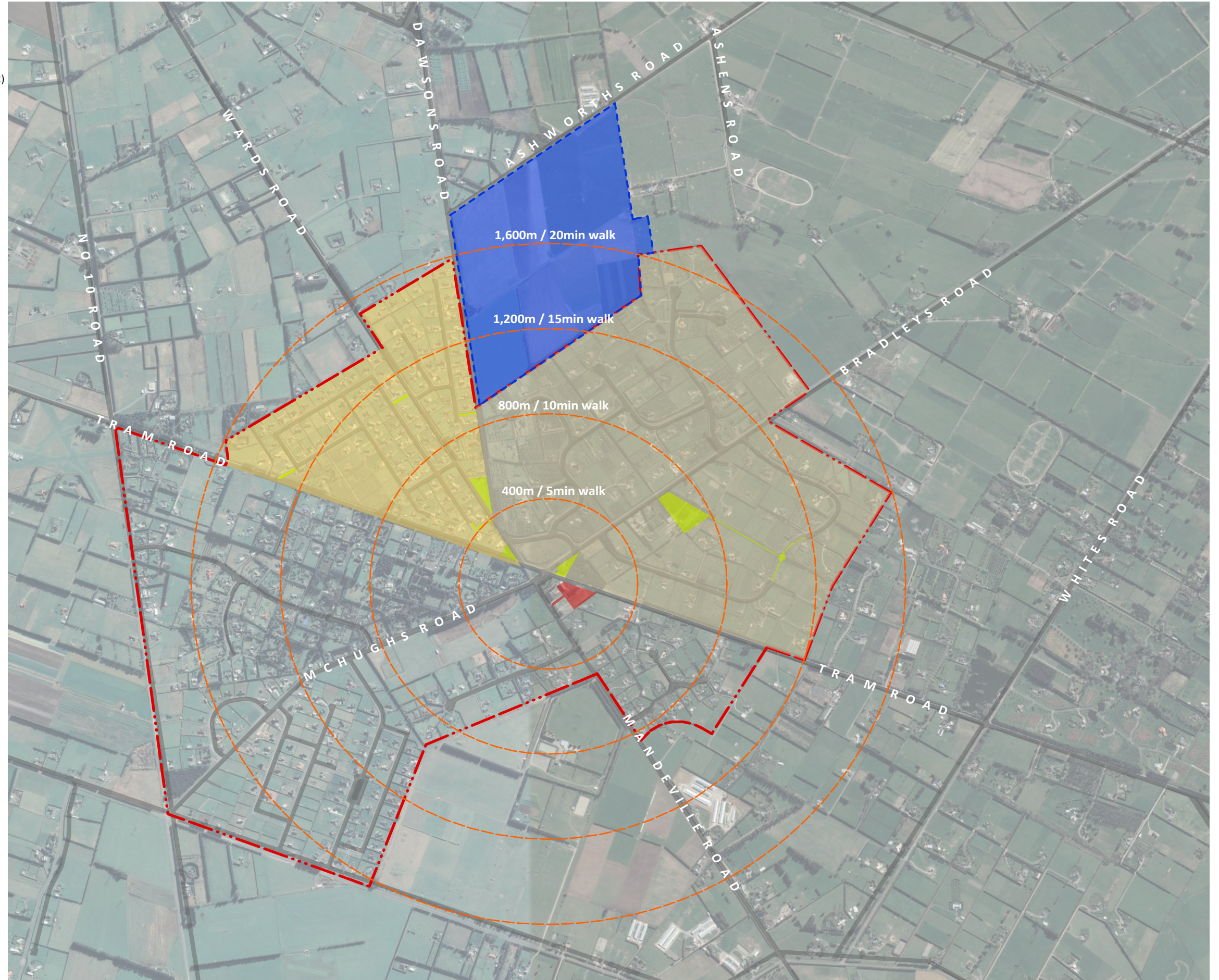


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Data Source: Waimakariri District - Proposed District Plan

Mandeville Growth Boundary and Walkability Plan

Legend



-  Proposed ODP Boundary
-  Proposal Site (Lot 6 DP2038 + Lot 8 DP314202)
-  Mandeville Village (Local Centre Zone)
-  San Dona Development (1.5 to 2.5ha zoned Rural Lifestyle Zone)
-  Millfield Development (Large Lot Residential Zone)
-  Open Space Zone (OSZ)
-  Mandeville Growth Boundary

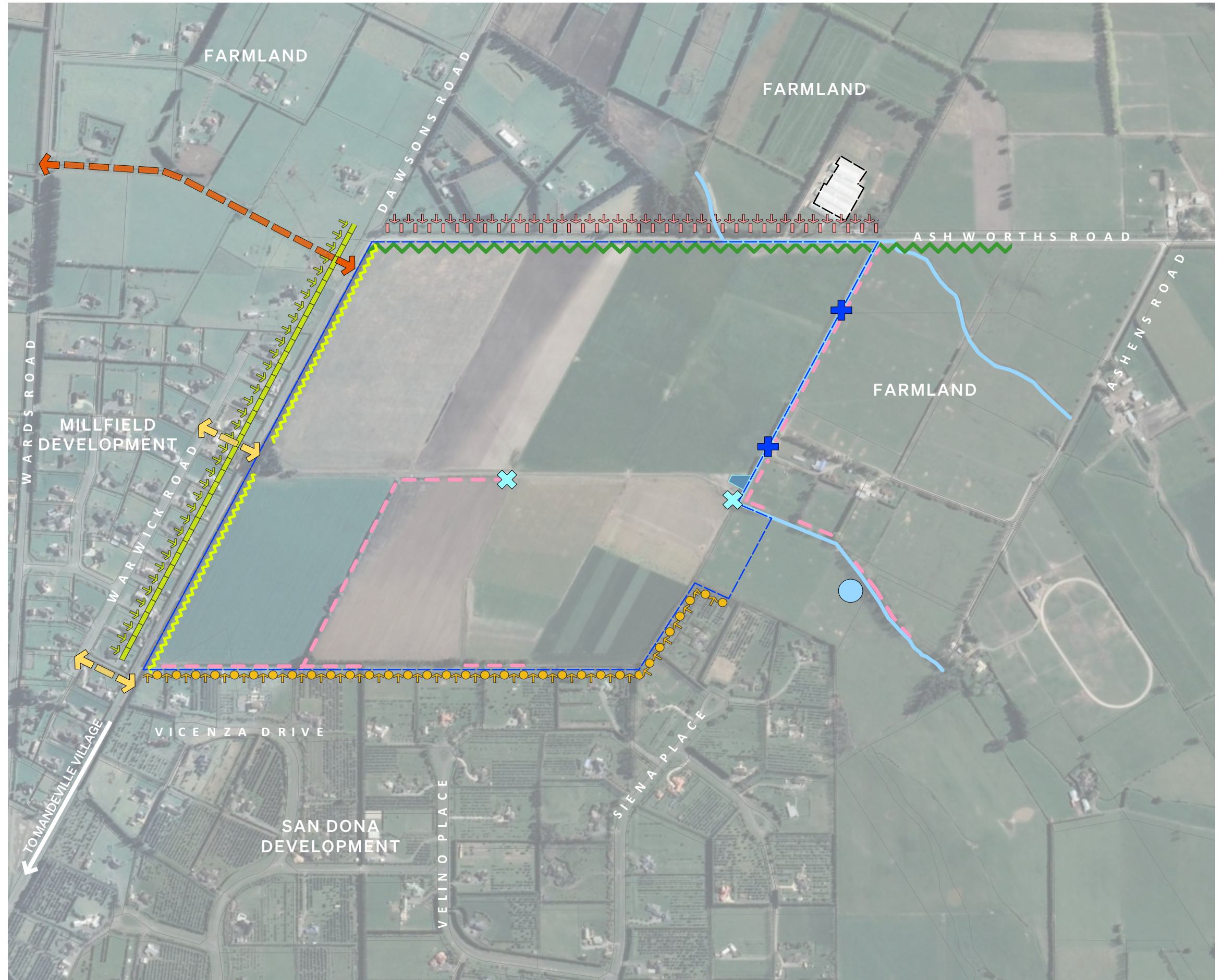


Scale: Not to Scale
 Data Source: Aerial photographs sourced from Google Earth (imagery date - 21/08/18)
 Zone Boundaries sourced from Waimakariri Proposed District Plan

Site Context Plan

Legend

-  Site Boundary
-  Leyland cypress shelterbelt along western site boundary
-  5m wide native planting strip
-  Formed pedestrian / cycleway linkages
-  Unformed formed pedestrian / cycleway linkages (partly vested with WDC)
-  Existing wells
-  Existing springs
-  Existing artificial pond
-  Existing wetland
-  Existing shelterbelt + hedgerows
-  Existing permanent waterway
-  Restricted views into site
-  Partial / Open views into site
-  Open views into site
-  Existing chicken farm



Scale: 1:7000 @ A3
 Data Source: Aerial photographs sourced from Google Earth (imagery date - 21/08/18)

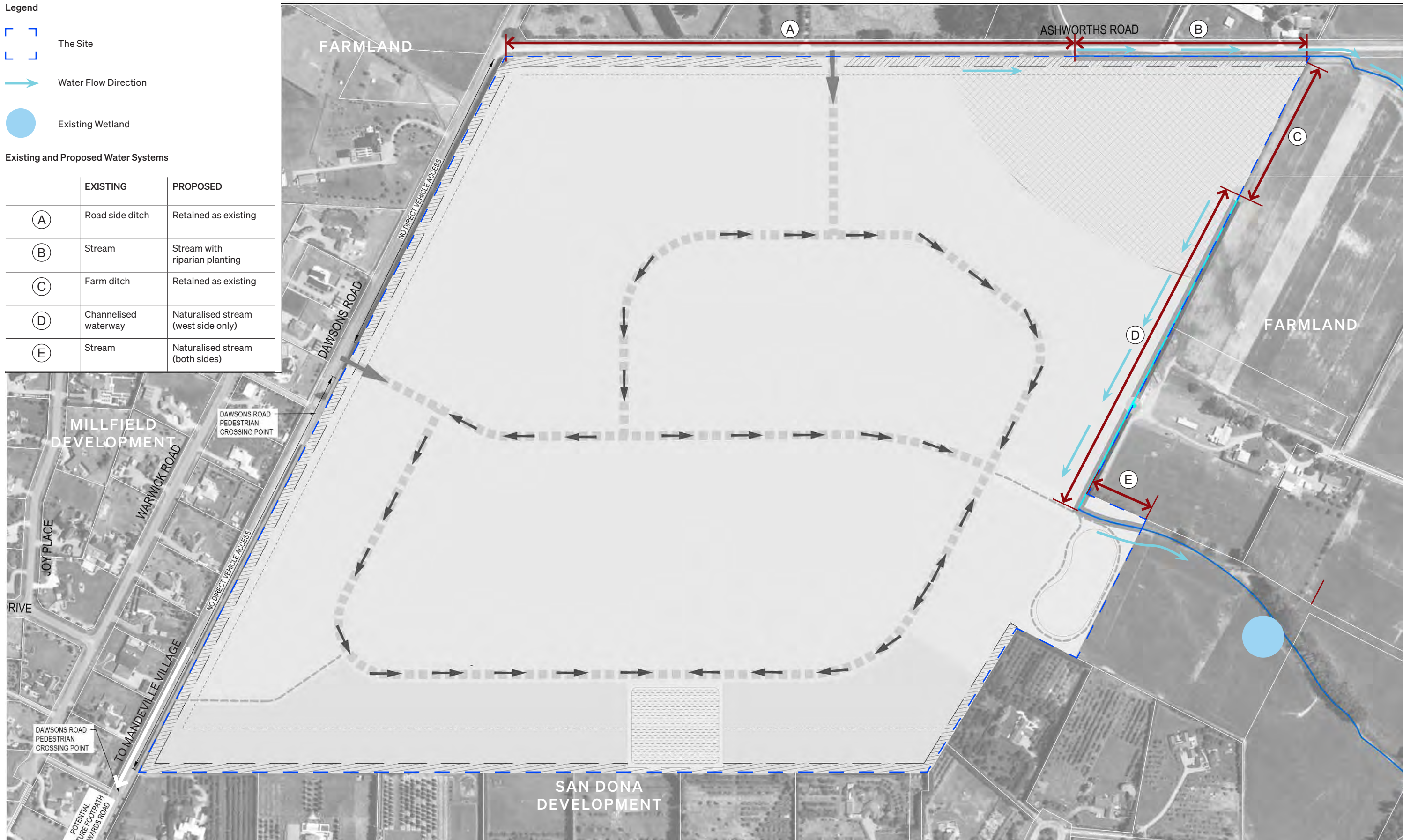
Site Existing and Proposed Water Systems

Legend

- The Site
- Water Flow Direction
- Existing Wetland

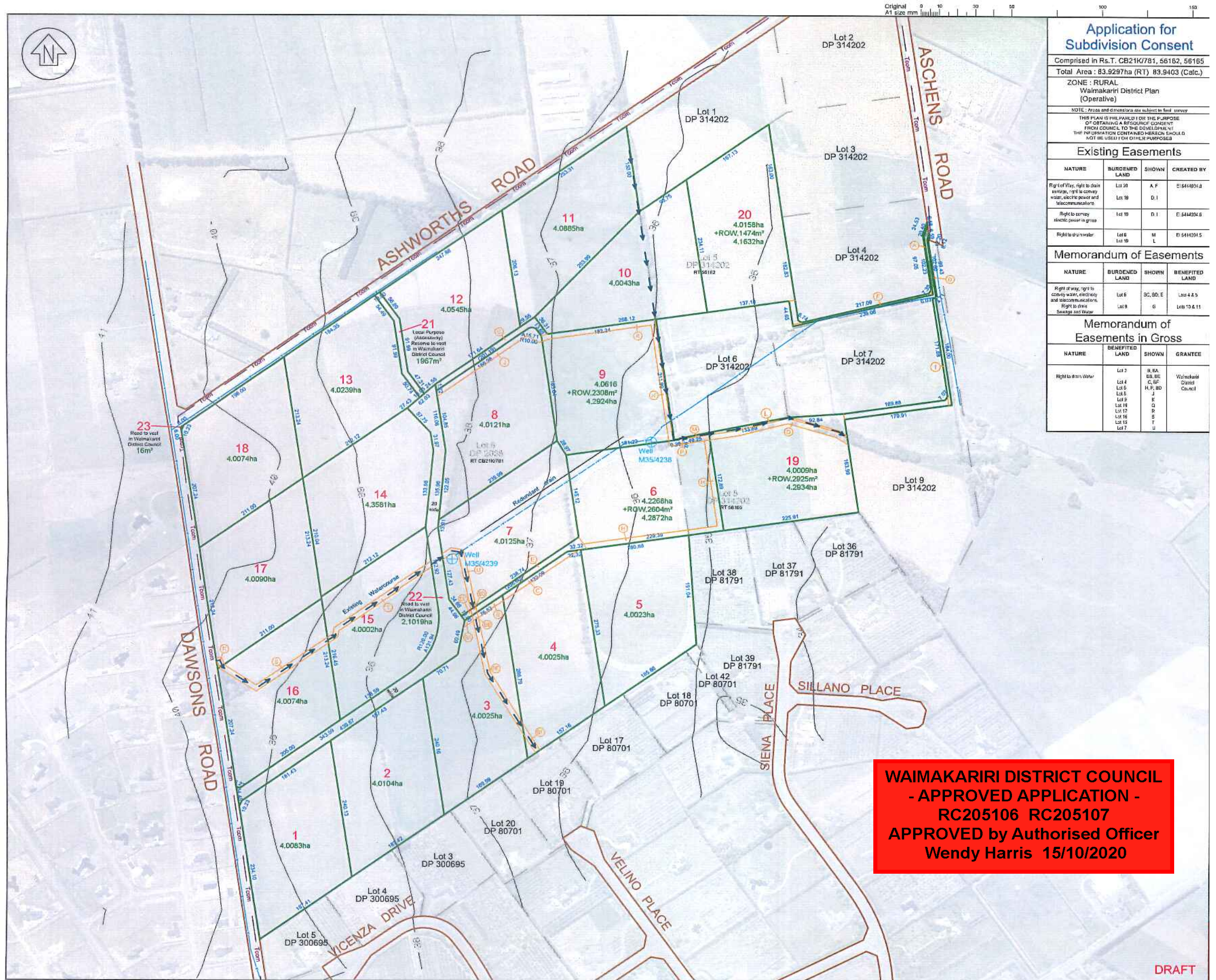
Existing and Proposed Water Systems

	EXISTING	PROPOSED
(A)	Road side ditch	Retained as existing
(B)	Stream	Stream with riparian planting
(C)	Farm ditch	Retained as existing
(D)	Channelised waterway	Naturalised stream (west side only)
(E)	Stream	Naturalised stream (both sides)



Data Source: Base Plan provided by Aurecon

Consented Subdivision Plan



Application for Subdivision Consent
 Comprised in R.s.T. CB21K/781, 56162, 56165
 Total Area : 83.9297ha (RT) 83.9403 (Calc.)
 ZONE : RURAL
 Waimakariri District Plan (Operative)

NOTE: Areas and dimensions are subject to final survey

THIS PLAN IS FILED FOR THE PURPOSE OF OBTAINING A RESUBDIVISION CONSENT FROM COUNCIL TO THE DEVELOPER. THE INFORMATION CONTAINED HEREIN SHOULD NOT BE USED FOR OTHER PURPOSES

Existing Easements

NATURE	BURDENED LAND	SHOWN	CREATED BY
Right of Way, right to drain sewage, right to convey water, electric power and telecommunications	Lot 20 Lot 19	A, F D, I	E:644034.8
Right to convey electric power in gross	Lot 19	D, I	E:644034.8
Right to drain water	Lot 8 Lot 19	M L	E:644034.5

Memorandum of Easements

NATURE	BURDENED LAND	SHOWN	BENEFITED LAND
Right of way, right to convey water, electricity and telecommunications Right to drain sewage and water	Lot 6 Lot 9	BC, BD, E G	Lot 4 & 5 Lot 9 & 11

Memorandum of Easements in Gross

NATURE	BENEFITED LAND	SHOWN	GRANTEE
Right to drain Water	Lot 3 Lot 4 Lot 5 Lot 6 Lot 7 Lot 8 Lot 9 Lot 15 Lot 16 Lot 17 Lot 18 Lot 19	B, BA, BB, BE, C, BF, H, F, BD, J, K, L, R, S, T, U	Waimakariri District Council

WAIMAKARIRI DISTRICT COUNCIL
 - APPROVED APPLICATION -
 RC205106 RC205107
 APPROVED by Authorised Officer
 Wendy Harris 15/10/2020

Scale: 1:6000 @ A3
 Data Source: Plan provided by Eliot Sinclair